

FILED

REC'D 01 FEB '12 17:44 USDC-ORE

FILED 15 FEB '12 09:56 USDC-ORE

January 26, 2012

Clerk, U.S. Bankruptcy Court

The Bankruptcy Court's Findings of Fact and Conclusions of Law are hereby approved.



U.S. District Judge

Below are the Bankruptcy Court's Proposed Findings of Fact and Conclusions of Law which are recommended for approval.


FRANK R. ALLEY
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

6:12-cv-187-AA

In re

Rodney Chris Lowe and Alyson Lynn Lowe,
Debtors.

Candace Amborn, Trustee,

Plaintiff,

vs.

Kathy L. Lingren,

Defendant.

Case No. 11-62158-fra7

Adv. Proc. No. 11-06270-fra

~~PROPOSED~~ FINDINGS OF
FACT AND CONCLUSIONS
OF LAW

Plaintiff submits the following Proposed Findings of Fact and Conclusions of Law:

Findings of Fact:

1. This adversary proceeding is one arising in the case of *In re Rodney Chris Lowe and Alyson Lynn Lowe*, US Bankruptcy Court Case No 11-62158-fra7, under

David B. Mills

Attorney at Law
115 W. 8th Ave., Suite 390
Eugene, OR 97401
Phone: (541) 484-1216
Fax: (541) 484-5326

Chapter 7 of Title 11. Debtors filed a voluntary petition under Chapter 7 of the Bankruptcy Code on May 3, 2011.

2. Plaintiff is the duly qualified Chapter 7 Trustee herein.
3. Prepetition, debtors boarded a horse owned by defendant at the request of defendant.
4. Despite demand, defendant failed to pay the balance owing for those boarding services.
5. Debtors performed all conditions precedent to recovery of the amount owing.
6. There is due and owing plaintiff the sum of \$18,084.50 together with interest at the legal rate from May 31, 2011 until paid.

Conclusions of Law:

1. This is a non-core proceeding submitted under 11 USC 157 (c)(1). The matter in controversy arises under 11 USC § 541. Venue is proper pursuant to 28 USC § 1409.
2. Based upon the foregoing Findings of Fact, plaintiff is entitled to judgment in her favor and against defendant in the amount of \$18,084.50 together with interest at the legal rate from May 31, 2011 until paid, and costs of \$293.

###

PRESENTED BY:

/s/ David B. Mills

David B. Mills, OSB #77281
115 W. 8th Ave., Suite 390
Eugene, OR 97401
Phone: (541) 484-1216
Fax: (541) 484-5326
davidbmills@cs.com

Attorney for Plaintiff

ELECTRONIC NOTICE VIA ECF:

The following are parties who will receive notice/service of Orders for this case via electronic transmission (email):

David B. Mills

MANUAL NOTICE VIA FIRST CLASS MAIL:

The following are parties who will receive notice/service of Orders for this case via First Class Mail :

Kathy L. Lingren
290 Allan Mills Ave.
Camden, TN 38320

Kathy L. Lingren
P.O. Box 97
Camden, TN 38320